

# INTRODUCTION TO SECURITY COOPERATION

## INTRODUCTION

The term security cooperation was first introduced in 1997 by the Defense Reform Initiative (DRI). The DRI proposed that certain Department of Defense (DoD) funded international programs along with their personnel and associated resources be managed by what was then the Defense Security Assistance Agency (DSAA) which already had the day-to-day management responsibility of many security assistance programs authorized by the Foreign Assistance Act (FAA) and the Arms Export Control Act (AECA). To better reflect its enlarged mission and diverse functions beyond security assistance to other agencies, the private sector, and foreign governments; DSAA was redesignated the Defense Security Cooperation Agency (DSCA), effective 1 October 1998.

Management responsibilities for many DoD international programs have been transferred to DSCA in recent years. Many security cooperation programs continue to be managed by other Offices of the Secretary of Defense (OSD) agencies, the combatant commands (CCMDs) or the military departments (MILDEPs). What further complicated the management of security cooperation was that the in-country point of contact between the U.S. government (USG) and the host nation generally is either the Defense Intelligence Agency (DIA)-sponsored defense attaché office (DAO) or the DSCA-sponsored security cooperation office (SCO). These two spigots for security cooperation with a country required a broad knowledge and skill baseline of the very different international programs that are initiated, funded, and managed throughout the DoD and its agencies and the MILDEPs. Most disconnects regarding SCO-DAO coordination of in-country security cooperation were generally resolved with the establishment of the Senior Defense Official-Defense Attache (SDO/DATT) having oversight over both the SCO and DAO organizations.

It was not until 9 June 2004 that a formal, yet still very broad, definition of security cooperation was published in Joint Pub 1-02:

All DoD interactions with foreign defense establishments to build defense relationships that promote specific U.S. security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and provide U.S. forces with peacetime and contingency access to a host nation.

DODD 5132.03, *DoD Policy and Responsibilities Relating to Security Cooperation*, 24 October 2008, further defines security cooperation with assigned responsibilities:

Activities undertaken by the Department of Defense to encourage and enable international partners to work with the United States to achieve strategic objectives. It includes all DoD interactions with foreign defense and security establishments, including all DoD-administered security assistance programs, that: build defense and security relationships that promote specific U.S. security interests, including all international armaments cooperation activities and security assistance activities; develop allied and friendly military capabilities for self-defense and multinational operations; and provide U.S. forces with peacetime and contingency access to host nations.

Other DoD policy statements identify DoD-managed or administered security assistance programs as components of security cooperation.

The purpose of this first chapter is to provide definitions of the various programs within security assistance and the broader area of security cooperation. After addressing security assistance and its relationship with security cooperation, the concept of security force assistance (SFA) will be finally discussed in this chapter. SFA is essentially a subset of DoD security cooperation with security assistance providing critical tools for the funding and enabling of SFA.

## **SECURITY ASSISTANCE**

Over the years, security assistance has included twelve major programs authorized by the FAA or AECA. While seven of these programs are administered by DoD, specifically by DSCA, they remain under the general control of the Department of State (DoS) as components of U.S. foreign assistance. These twelve security assistance programs include the following.

### **Foreign Military Sales**

The foreign military sales (FMS) program is a non-appropriated program administered by DSCA through which eligible foreign governments purchase defense articles, services, and training from the USG. The purchasing government pays all costs associated with a sale. There is a signed government-to-government agreement, normally documented on a Letter of Offer and Acceptance (LOA) between the USG and a foreign government. Each LOA is commonly referred to as a “case” and is assigned a unique case identifier for accounting purposes. Under FMS, military articles and services, including training, may be provided from DoD stocks (section 21, AECA) or from new procurement (section 22, AECA). If the source of supply is new procurement, on the basis of having an LOA which has been accepted by the foreign government, the USG agency or MILDEP assigned cognizance for this case is authorized to enter into a subsequent contractual arrangement with U.S. industry in order to provide the article or service requested.

The final FMS total for FY 2012 was \$69.1 billion to include \$5.2 billion in pseudo LOA agreements. The final FMS sales total for FY 2013 was \$27.9 billion. Final FMS sales for FY 2014 was \$31.2 billion, with \$3.0 being pseudo LOA agreements. Final FMS sales for FY 2015 was \$47.0 billion, with \$6.1 being pseudo LOA agreements.

### **Foreign Military Construction Services**

Foreign military construction services (FMCS) is a non-appropriated program administered by DSCA and authorized by section 29, AECA, to include the sale of design and construction services by the USG to eligible purchasers. The construction sales agreement and sales procedures generally parallel those of FMS and are usually implemented by the MILDEP civil engineering agencies.

The annual DoS Congressional Budget Justification (CBJ) projection for FMCS and actual FMCS sales are included in the FMS projections stated above.

### **Foreign Military Financing Program**

The Foreign Military Financing Program (FMFP) is an appropriated program administered by DSCA that has undergone a variety of substantive and terminological changes over the years. At present, the program consists of Congressionally appropriated grants and loans which enable eligible foreign governments to purchase U.S. defense articles, services, and training through either FMS or direct commercial sales (DCS). Foreign military sales credit (FMSCR) is authorized under the provisions of sections 23 and 24, AECA, and originally served to provide credit (loans) as an effective means for easing the transition of foreign governments from grant aid, e.g., Military Assistance Program (MAP) and International Military Education and Training (IMET), to cash purchases.

Prior to FY 1989, this financing program was variously identified as the Foreign Military Sales Credit Program or the Foreign Military Sales Financing Program. In the FY 1989 Foreign Operations Appropriations Act (FOAA), Congress introduced a new title, the FMFP, and the forgiven loan/forgiven credit component of the program was identified as FMFP grants to distinguish them from repayable direct FMFP loans. Also, the terms non-repayable loans or non-repayable credits are often used by various security assistance organizations (including DSCA) in place of the term “FMFP grants.”

Beginning in FY 1992, the Federal Credit Reform Act of 1992 (P.L. 101-508) changed the method of accounting and budgeting for all government loans, including FMFP loans issued under the AECA. This legislation provides a more accurate portrayal of the true cost of loans by providing new budget authority only for the subsidy element of the loan program and is the basis for the establishment of two new financial accounts:

- The first contains only the FMFP grant portion of the program administrative costs
- The second account provides the budget authority needed to fund the subsidy element of the proposed loan programs

While there are previously authorized FMFP loans still being repaid to the USG, this loan element is seldom used; the FMFP grant element (no repayment) is the norm.

Over the past couple of years, per the Presidential Policy Directive 23 of April 2013 (PPD 23), a couple of new FMF pilot programs have been established under the authority of section 23 of the AECA—the Foreign Military Financing Challenge Fund (FMFCF) and Foreign Military Financing Regional Funds (FMFRF). The FMFCF is intended to provide one-time investments for special projects for a partner nation that has demonstrated political will to pursue reform efforts, contribute to common goals, and build lasting, self-sustaining capabilities. The FMFRF provides flexibility and responsiveness in implementing portions of the FMF program based upon geographic region. For example, in FY 2016, \$5 million was provided for the FMF European Security Assistance Fund (ESAF). Through a competitive proposal system these FY 2016 ESAF funds are available for countries in Europe and Eurasia that have received bilateral FMF with the five fiscal years prior to submission.

FMFP funding for FY 2014 was \$5.915 billion. Appropriated FMFP funds for FY 2015 was \$5.88 billion and \$6.025 billion was appropriated for FY 2016. All FMFP appropriations are grants.

## **Leases**

Chapter 6, AECA, authorizes the President to lease defense articles to friendly governments or international organizations for up to five years (renewable). This non-appropriated program is administered by DSCA. The law allows the lease of defense articles only for compelling foreign policy or national security reasons, and stipulates that the full cost of the lease, with some exceptions, must be borne by the recipient. Furthermore, leased articles must not be needed for U.S. public use during the lease period, and the U.S. retains the right to terminate the lease at any time. For the recipient country, leases may be cheaper than purchasing the article outright, and they provide a convenient vehicle for obtaining defense articles for temporary use. Leases are executed through a lease agreement, with an associated FMS case to cover repair, training, supply support and/or transportation, if required.

## **Military Assistance Program**

In FY 1990 the Military Assistance Program (MAP) was formally merged with the FMFP as Congress adopted an administration proposal for integrating all MAP grant funding into the appropriations account for the FMFP. This appropriated program was administered by DSCA. No MAP funds have been appropriated for subsequent fiscal years, and there is no interest in seeking any such funds for the future. This legislative change, therefore, had the dual effect of causing existing MAP-funded programs to lose their former identity and become FMFP-funded programs and establishing the FMFP

as the major U.S. financing program for the acquisition of U.S. defense articles and services by foreign governments.

MAP continues to be identified as a current security assistance program because the MAP-provided articles remain throughout the world with the continued requirements for end-use monitoring (EUM), return to the USG when no longer needed, and any proceeds from a sale to a third country or scrapping being returned to the USG.

### **International Military Education and Training**

The International Military Education and Training (IMET) program provides grant financial assistance for training in the U.S. and, in some cases, in overseas facilities to selected foreign military and civilian personnel. In earlier years, grant aid training of foreign military personnel was funded as part of the MAP appropriation. Starting with FY 1976, a separate authorization for IMET was established in section 541, FAA. This appropriated program is administered by DSCA. Although historically a relatively modest program in terms of cost, both the President and Congress attach significant importance to this program. The recipient countries, likewise, are heavily reliant on this grant program and, in many cases; this program serves as the only method to receive training from the U.S. military.

At a time of declining defense and foreign aid budgets, IMET advances U.S. objectives on a global scale at a relatively small cost. In many countries, having a core group of well-trained, professional leaders with firsthand knowledge of America will make a difference in winning access and influence for our diplomatic and military representatives. Thus, a relatively small amount of IMET funding will provide a return for U.S. policy goals, over the years, far greater than the original investment.

In 1980, section 644(m)(5), FAA, was amended to authorize IMET tuition costing in terms of the additional costs that are incurred by the USG in furnishing such assistance. Section 21(a)(1)(C), AECA, was also amended to allow IMET recipients to purchase FMS training on an additional cost basis. The practical effects of these changes were to substantially reduce tuition costs for IMET-funded students, and thereby increase the amount of training an eligible country can obtain with its IMET grant funds and through FMS purchases.

### ***Expanded IMET***

An IMET initiative was introduced in the FY 1991 Foreign Operations Appropriation Act (FOAA) when Congress adopted a Senate-proposed IMET earmark of \$1 million to be used exclusively for expanding courses for foreign officers as well as later for civilian managers and administrators of defense establishments. The focus of such training is on developing professional level management skills, with emphasis on military justice systems, codes of conduct, and the protection of human rights. Section 541, FAA, was amended to permit non-Ministry of Defense civilian government personnel to be eligible for this program, if such military education and training would:

- Contribute to responsible defense resource management
- Foster greater respect for and understanding of the principle of civilian control of the military
- Contribute to cooperation between military and law enforcement personnel with respect to counter-narcotics law enforcement efforts
- Improve military justice systems and procedures in accordance with internationally recognized human rights

This expanded IMET (E-IMET) program was further extended in FY 1993 to also include participation by national legislators who are responsible for oversight and management of the military. The E-IMET program authority was again amended in 1996 by P.L.104-164 to also include non-governmental organization personnel.

The IMET funding for FY 2014 was \$105.573 million. The IMET funding appropriated for FY 2015 was increased slightly to \$106.074 million. IMET funding for FY 2016 saw an additional increase to \$108.0 million.

### **Drawdowns**

During a crisis, section 506, FAA, authorizes the President to provide USG articles, services, and training to friendly countries and international organizations at no cost, to include transportation, spares, and training. There is a \$100 million ceiling per fiscal year on articles, services, and training provided for military purposes and another fiscal year ceiling of \$200 million for articles, services and training required for non-military purposes such as disaster relief, nonproliferation, anti-terrorism, counter-narcotics, refugee assistance, and Vietnam War-era missing in action/prisoners of war (MIA/POW) location and repatriation. When emergency support for peacekeeping operations is required, section 552(c)(2), FAA, separately authorizes the President to drawdown up to \$25 million per fiscal year in USG articles and services from any agency. Special drawdown authorities have been annually legislated in the State Department and Foreign Operations Appropriation Acts (S/FOAA) to include \$30 million in support for the Yugoslav International Criminal Court. These are non-appropriated authorities are administered by DSCA when defense articles, services, or training from DoD are to be drawn down.

### **Economic Support Fund**

The Economic Support Fund (ESF) is authorized by chapter 4 of part II of the FAA. ESF is an appropriated program administered by the U.S. Agency for International Development (USAID). This fund was established to promote economic and political stability in areas where the U.S. has special political and security interests and where the U.S. has determined that economic assistance can be useful in helping to secure peace or to avert major economic or political crises. ESF is a flexible economic instrument available on a grant basis for a variety of economic purposes, including balance of payments support, infrastructure, and other capital and technical assistance development projects. In earlier years, the ESF program included concessional (i.e., low interest rate) loan as well as grants; recently all ESF funds have been allocated as grant assistance. While a substantial amount of these ESF grants are used to provide balance of payments, the ESF also provides for programs aimed at primary needs in health, education, agriculture, and family planning. Where long-term political and economic stability is the primary concern, ESF finances projects that meet the basic needs of the poor.

The ESF funds provided for FY 2014 totaled \$4.589 billion. The ESF appropriation for FY 2015 was \$4.746 billion. The ESF for FY 2016 is \$4.319 billion. All ESF appropriations are grants.

### **Peacekeeping Operations**

Peacekeeping Operations (PKO) is an appropriated program authorized by chapter 6 of part II of the FAA. For several years, PKO provided funds for the Multinational Force and Observers (MFO), which implemented the 1979 Egyptian-Israeli peace treaty, and the U.S. contribution to the United Nations Force in Cyprus (UNFICYP). Subsequent funding has been provided to support peacekeeping efforts in the Balkans, East Timor, sub-Saharan Africa, and lately in the Darfur region of the Sudan, South Sudan, and Somalia.



## ***Global Peace Operations Initiative***

Global Peace Operations Initiative (GPOI), which has become the principal PKO program, was originally a Presidential initiative in coordination with other G-8 countries to increase the capacity of selected countries to deploy in support of international peacekeeping operations. It was envisioned as a five-year program (FYs 2005-2009) to train seventy-five thousand troops worldwide, with emphasis in the Africa region and building an African command headquarters capability. GPOI is to support the deployment of peacekeepers by providing equipment, transportation, training, and sustainment in the field. Remaining a DoS program requiring DoD support, GPOI subsumed the previous SA-funded PKO Africa Contingency Operations Training and Assistance (ACOTA) program and the FMFP-funded Enhanced International Peacekeeping Capabilities (EIPC) program. The ACOTA term is still used when referring to the Africa training component of GPOI. In October 2008, an U.S. National Security Council (NSC) deputies committee approved a five-year extension of the GPOI program with added emphasis on sustainment and continued force equipping and training.

The FY 2014 PKO fund was \$435.6 million. In FY 2015, \$473.691 million was appropriated. The PKO appropriation for FY 2016 was \$600 million. All PKO appropriations are grants managed by the DoS with significant support from DoD in implementation.

## **International Narcotics Control and Law Enforcement**

The International Narcotics Control and Law Enforcement (INCLE) program is an appropriated grant program administered by the DoS authorized by section 481, FAA, to suppress the worldwide illicit manufacture and trafficking of narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the applicable crops. Recently, the elimination of related narco-terrorism has been included. This program can include the purchase of defense articles, services, and training. This is similar to the authorized and funded programs within DoD and the Departments of Justice and Homeland Security.

INCLE was \$1.35 billion in FY 2014. In FY 2015, \$1.296 billion was appropriated for INCLE. The FY 2016 appropriation is \$1.266 billion.

## **Nonproliferation, Antiterrorism, Demining, and Related Programs**

Nonproliferation, Antiterrorism, Demining, and Related (NADR) programs are an appropriated series of grant programs administered by DoS. It is authorized by part II, chapters 8 and 9 of the FAA, and section 504 of the FREEDOM Support Act, moreover, section 23, AECA, for NADR focuses on demining activities, the clearance of unexploded ordnance, the destruction of small arms, border security, and related activities. Related defense articles, services, and training can be provided through this program. U.S. funding support for the International Atomic Energy Agency and the Comprehensive Nuclear Test Ban Treaty Preparatory Commission is provided through this program. The DoD role in this program is that DoS can purchase demining, unexploded ordnance clearance, and anti-terrorism systems with this funding.

In FY 2014, NADR funding was \$700 million. A total of \$685.5 million was appropriated for NADR in FY 2015. The FY 2016 NADR request was for \$885 million.

## **Direct Commercial Sales**

Direct Commercial Sales (DCS) are commercial exports of defense articles, services, and training licensed under the authority of section 38, AECA, made by U.S. defense industry directly to a foreign government. Unlike the procedures employed for FMS, DCS transactions are not administered by DoD and do not normally include a government-to-government agreement. Rather, the required USG controls are implemented through licensing by the Directorate of Defense Trade Controls (PM/

DDTC) in the DoS. The day-to-day rules and procedures for these types of sales are contained in the *International Traffic in Arms Regulations* (ITAR) [22 CFR 120-130].

Of note, not all license approvals will result in signed contracts and later actual deliveries. Like FMS, DCS deliveries are likely to take place years after the commercial contract is signed and the export license is obtained by U.S. industry from PM/DDTC.

### **Other Security Assistance Programs**

While these two programs are not identified by DSCA in the SAMM as one of the twelve security assistance programs, they are very much related to the duties of the security assistance community, both in the U.S. and recipient foreign governments.

### ***Excess Defense Articles***

Excess defense articles (EDA) identified by the MILDEP or DoD agency are authorized for sale using the FMS authority in section 21, AECA, and FMS processes identified within the SAMM for property belonging to the USG. Prices range from five to fifty percent of original acquisition value, depending on the condition of the article.

Additionally, section 516, FAA, authorizes the President to transfer EDA on a grant basis to eligible countries (annually identified within a joint DoD/DoS letter to Congress). While EDA can be transferred at no-cost, the recipient must typically pay for any transportation or repair charges. Under certain circumstances, transportation charges may be waived, with the cost absorbed by DoD appropriated funds.

### ***Third-Country Transfers***

Section 3(d), AECA, authorizes the President to manage and approve the transfer of U.S.-origin defense articles from the original recipient country to a third country. Requests for third-country transfers are normally approved if the USG is willing to conduct a direct transfer to the third country. Third-country transfer authority to countries must be obtained in writing from the DoS in advance of the proposed transfer. This applies to all U.S.-origin defense articles regardless of the method of original transfer from the USG or U.S. industry.

## **SECURITY COOPERATION**

Though not delineated in any one source, the following is a categorized list of DoD-authorized security cooperation programs, with a brief description and references for each program. It should be noted that the previously described FAA and AECA-authorized security assistance programs administered by DoD in accordance with the SAMM also fall under the broad definition of security cooperation. The eight categories of security cooperation programs are as follows:

- Security assistance administered by DoS
- Security assistance administered by DoD
- Global train and equip
- International armaments cooperation
- Humanitarian assistance
- Training and education
- Combined exercises
- Contacts

Another method of identifying the difference between security assistance and security cooperation is the source of authority within the United States Code (U.S.C.) for the program. The U.S.C. is the codification of the general and permanent U.S. laws divided into over fifty titles by subject matter. U.S. foreign relations, to include FAA and AECA security assistance, are addressed in 22 U.S.C., or Title 22. The U.S. armed forces, to include DoD security cooperation, are addressed in 10 U.S.C., or Title 10. However, it should be noted that certain DoD security cooperation program authorities are also with 22 U.S.C. as security assistance.

### **Security Assistance Administered by DoS**

This category includes seven security assistance programs previously identified and described. These programs are authorized by either the Foreign Assistance Act (FAA) (22 U.S.C. 2151, et. seq.) or the Arms Export Control Act (AECA) (22 U.S.C. 2751, et. seq.).

- Economic Support Fund (ESF)
- Peacekeeping Operation (PKO)
- Global Peace Operations Initiative (GPOI)
- International Narcotics Control and Law Enforcement (INCLE)
- Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR)
- Direct Commercial Sales (DCS)
- Third-Country Transfers

### **Security Assistance Administered by DoD**

This category includes ten security assistance programs previously identified and described. These programs are also authorized by either the Foreign Assistance Act (FAA) (22 U.S.C. 2151, et. seq.) or the Arms Export Control Act (AECA) (22 U.S.C. 2751, et. seq.).

- Foreign military sales (FMS)
- Foreign military construction services (FMCS)
- Foreign military financing program (FMFP)
- Foreign military financing challenge fund (FMFCF)
- Foreign military financial regional funds (FMFRF)
- Leases
- Military assistance program (MAP)
- International military education and training (IMET)
- Drawdowns
- Excess defense articles (EDA)

### **Global Train and Equip**

#### ***Train and Equip Afghanistan Security Forces***

Title IX, Overseas Contingency Operations, DoD Appropriations Act, 2012, P.L. 112-74, 23 December 2011, appropriated \$11.2 billion in DoD funds for the Afghanistan Security Forces Fund



(ASFF). The FY 2013 appropriation was \$5.124 billion. In FY 2014, it was \$4.7726 billion. The FY 2015 ASFF appropriation was \$4.109 billion. The FY 2016 ASFF appropriation was \$3.652 billion. This program is intended to provide defense articles and services to the Afghanistan security forces. These transfers are often, but not always, implemented using pseudo LOA case procedures requiring advance DoS concurrence and congressional notification. The Iraq Security Forces Fund (ISFF) did not receive DoD funding assistance during FY 2012. Instead, funding assistance was provided from DoS S/FOAA FY 2012 FMFP, ESF, INCLE and IMET security assistance funds. However, Iraq is also using country cash for both FMS and DCS.

### ***Iraq Security Forces Fund & Iraq Train and Equip Fund***

The Iraq Security Forces Fund (ISFF) did not receive DoD funding assistance during FY 2012. Instead, funding assistance was provided from DoS S/FOAA FY 2012 FMFP, ESF, INCLE, and IMET security assistance funds. The ISFF program has expired but some deliveries remain in progress. section 1236, NDAA, FY 2015, P.L. 113-291, 19 December 2014, authorized the Iraq Train and Equip Fund (ITEF). ITEF is similar to ISFF in that it may provide training, equipment, logistics support and services to the government of Iraq. However, ITEF differs from ISFF by specifically mentioning the threat posed by the Islamic State of Iraq and the Levant. The DoD Appropriations Act for FY 2015, Div. C, P.L. 113-235, 16 December 2014, provided \$1.618 billion for ITEF and is available through FY 2016. The FY 2016 ITEF appropriation was \$715 million. Finally, Iraq is also using country cash for both FMS and DCS.

### ***Counterterrorism Partnership Fund***

Section 1534, NDAA, FY 2015, P.L. 113-291, 19 December 2014, authorizes support and assistance to foreign security forces or other groups or individuals for counterterrorism and crisis response activities in the USCENTCOM and USAFRICOM AORs (less Iraq). The support provided in the Counterterrorism Partnership Fund (CTPF) may also be used to fund activities conducted by contract, including contractor operated capabilities. The DoD Appropriations Act for FY 2015, Div. C, P.L. 113-235, 16 December 2014, provided \$1.3 billion for CTPF. The FY 2016 CTPF appropriation was \$1.100 billion.

### ***European Reassurance Initiative***

The European Reassurance Initiative (ERI), per section 1535 of the NDAA of FY 2015, P.L. 113-291, signed on 19 December 2014, provides for programs, activities, and assistance in support of the governments of Ukraine, Estonia, Lithuania, and Latvia. With ERI, the SecDef has been given the authority to increase the presence of U.S. armed forces in Europe through military exercises, enhanced prepositioning of U.S. armed forces equipment, and the building of partner nation defense capacity. The FY 2015 DoD Appropriations Act, Div. C, P.L. 113-235, 16 December 2014, provided \$175 million for ERI.

### ***Ukraine Security Assistance Initiative (USAI)***

The USAI is a new program for FY 2016 where the Secretary of Defense, in coordination with the Secretary of State, can provide appropriate assistance, intelligence, and support [including lethal weapons of a defensive nature] to Ukraine and Partnership for Peace (PfP) nations to preserve their sovereignty and territorial integrity. Assistance also includes training, equipment, supplies, services, and supplies. Up to 20% of the amount available may be used for training. Lethal weapons of a defensive nature include: mortars, crew-served weapons, grenade launchers, small arms, anti-armor systems, and supporting ammunition. As per section 1250, NDAA, FY 2016, P.L. 114-92, 25 November; various reports are required.

### ***“2282” Building Partner Capacity of Foreign Militaries (formerly known as 1206)***

Section 1205, NDAA, FY 2015, P.L. 113-291, 19 December 2015, repealed the previous temporary section 1206, of the FY 2006 NDAA, P.L. 109-163, 6 January 2006, and replaced it with the new permanent authority, 10 U.S. Code 2282. This codification gives the DoD permanent, but limited, authority to build the capacity of a country’s national military force to conduct counterterrorism operations (with an emphasis on maritime or border security) and to participate in on-going coalition stability operations. During FY 2016, up to \$350 million in DoD O&M funding, of which not more than \$150 million may be used for a country’s military force to participate in on-going coalition stability operations, is allowed to be used to equip, supply, and train foreign military forces to conduct counter-terrorism operations. Funding levels are likely to be determined on an annual basis provided in the respective Appropriations Acts.

Any country prohibited by law from receiving such assistance may not receive such assistance. Once approved by the SecDef with concurrence of the SecState, programs must be notified to Congress fifteen days prior to implementation, with the funds to be obligated prior to the end of the subject fiscal year. This short time requirement places significant pressure on the MILDEP acquisition agencies for execution. Recipient countries are to provide follow-on sustainment for any 2282-provided systems.

This program is managed by DSCA and the MILDEPs in support of Assistant SecDef for Special Operations and Low Intensity Conflict [ASD (SOLIC)] and the applicable CCMDs; with requests often initiated by the SCO. Psuedo LOA case procedures are used for the implementation and management of this program.

### ***“1208” Support of Foreign Forces Participating in Operations to Disarm the Lord’s Resistance Army***

Section 1206, NDAA, FY 2012, P.L.112-81, 31 December 2011, originally authorized SecDef, with SecState concurrence, to provide logistics support, supplies, and services for foreign forces, to include the national military forces of Uganda, and other countries determined by SecDef, with concurrence of SecState, participating in operations to mitigate and eliminate the threat posed by the Lord’s Resistance Army (LRA). The amount of such support was not to exceed \$35 million annually during FYs 2012 and 2013. This same LRA authority is now in section 1208, NDAA, FY 2014, P.L.113-66, 26 Dec 2013, set to expire at the end of FY 2017 and the level of support has been raised to \$50 million. Congress is to be notified of determined eligible countries for such support and fifteen days prior to obligation of any funds for such support. Except in self-defense or for rescue operations, no U.S. military, civilian, or contractor personnel are to engage in combat operations in the conduct of this support program.

### ***“1207” Support to National Military Forces of Allied Countries for Counterterrorism Operations in Africa***

This is a new program for FY 2016 that provides assistance to the national military forces of an allied country conducting counterterrorism operations in Africa. This assistance can be in the form of logistics, supply, and services. This assistance can be provided if the Secretary of Defense determines that it is in the national security interest and critical to the timely and effective participation of such forces, to do so. The Secretary of Defense, in coordination with the Secretary of State, can provide this assistance and support to eligible allied countries conducting counterterrorism operations in Africa. Eligible allied countries can be African or non-African. No later than 15 days after providing such support the Secretary of Defense shall notify Congress on the type of support provided. This notification will include the type of assistance, the national military force supported, the purpose of the operation, estimated cost, and duration of the event. Various post assessment reports are also required. This assistance may not be provided after 30 Sep 2018 and \$100M in DoD O&M is authorized, as per section 1207, FY 2016, NDAA, P.L. 114-92, 25 November 2015.

### ***African Peacekeeping Rapid Response Partnership (APRRP)***

The focus for this program is creating the ability for eligible African countries to support peace operations and to enhance their capability to respond to various humanitarian and disaster crises. The type of assistance usually provided is logistics, lift, medical, engineering, interoperability, and training/deployment centers. There are also several Congressional notification requirements. The eligible countries are Senegal, Ghana, Ethiopia, Rwanda, Tanzania, and Uganda. This assistance may not be provided after 30 Sep 2019 and is set at \$110M, annually. Authority for this program comes from FAA section 551 and P.L. 113-235, 16 December 2014.

### ***“1203” Enhance the Capacity of the National Security Forces of Djibouti, Ethiopia, Kenya and Forces Participating in the African Union Mission in Somalia to Conduct Counterterrorism Operations***

Provides an authority for general purpose forces to train with the military forces or other security forces of a friendly foreign country if the Secretary of Defense determines that it is in the National Security interests of the United States to do so, and that training may be conducted under this section only with prior approval of the Secretary of Defense. No new assistance may be provided after 30 September 2017 and this support is limited to \$10 million, annually, as amended from section 1203, NDAA, FY 2013, P.L. 112-239, 2 January 2013.

### ***“1207” Global Security Contingency Fund***

Where the previous section 1207 refers to section 1207 of the FY 2016 NDAA, this section 1207 refers to section 1207, NDAA, FY 2012, P.L.112-81, 31 December 2011, that authorizes the establishment and funding of the Global Security Contingency Fund (GSCF) for either DoD or DoS to provide assistance to countries designated by SecState, with the concurrence of SecDef, for the following purposes.

- For a country’s national military and other national security forces, as well as the government agencies responsible for such forces, to enhance the capabilities to conduct border and maritime security, internal defense, and counterterrorism operations, and to participate in or support military, stability, or peace support operations consistent with U.S. foreign policy and national security interests.
- For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country. In cases in which SecState, in consultation with SecDef, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

Any such assistance programs are to be jointly formulated by DoD and DoS with the approval of SecState and the concurrence of SecDef. Any provided assistance may include equipment, supplies, and training.

Not more than \$200 million in DoD O&M may be transferred to the GSCF in any one fiscal year. Section 8071 of the DoD Appropriations Act of FY 2015, Div. C, P.L. 113-235, 16 December 2014, authorizes the transfer of up to \$200 million from DoD O&M to the GSCF. Likewise, section 8003 of the S/FOAA of FY 2015, Div. J, P.L. 113-235, 16 December 2014, authorizes the transfer of up to \$25 million in funding from INCLE, FMFP, or Peacekeeping Operations to the GSCF. Congress is to be notified prior to any such authorized transfer of funds by DoD or DoS to the GSCF.

Not less than fifteen days prior to initiating any GSCF activity, SecState, with SecDef concurrence, shall notify Congress and provide subsequent annual status reports of the activities. Any activity is to be not less than 20 percent funded by DoS with not more than 80 percent to be funded by DoD. This authority is currently to expire at the end of FY 2017.

### ***“1209” Authority to Provide Assistance to the Vetted Syrian Opposition***

Section 1209, NDAA, FY 2015, P.L. 113-291, 19 December 2014, authorized assistance by DoD to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals. The purpose of this program is to provide equipment, supplies, training, stipends, facilities, and sustainment for defending the Syrian people from the Islamic State of Iraq and the Levant. Along with being a unique program in such that it is designed to provide security assistance to organizations that are not a sovereign nation or an recognized international organization, such as NATO, this program also allows the SecDef to receive contributions from other countries for assistance authorized by this same authority. Funding for this program mainly comes from the \$406M Syrian Train and Equip Fund (STEF).

### ***Pakistan Security Cooperation***

Title VIII, S/FOAA for FY 2012 , Overseas Contingency Operations, P.L.112-74, 23 December 2011, authorized and appropriated \$850 million for the Pakistan Counterinsurgency Capability Fund (PCCF) with the funds to remain available to the SecState through FY 2013. The SecState, with the concurrence of the SecDef, is to use the PCCF for the purpose of providing FAA/AECA assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistan security forces to include the Frontier Corps. These funds may be transferred to other USG agencies for such authorized purposes. Beginning in FY2013, no new funding has been appropriated for PCCF.

Title III, Supplemental Appropriations Act, 2009, P.L. 111-32, 24 June 2009, earlier authorized and appropriated \$400 million for the Pakistan Counterinsurgency Fund (PCF) with the funds to remain available to the Secretary of Defense (SecDef) through FY 2012. SecDef, with the concurrence of SecState, is to use the PCF for the purpose of providing assistance to the Pakistan security forces. Division A, Title IX, DoD Appropriations Act for FY 2011, P.L. 112-10, 15 April 2011, appropriated an additional \$800 million for the DoD PCF to remain available through FY 2012. DoD/DSCA uses the pseudo FMS LOA process to implement and manage the PCF assistance program, which would also include any DoS PCCF funding transferred to the DoD PCF program.

The Enhanced Partnership with Pakistan Act (EPPA) of 2009, P.L.111-73, 15 October 2009, authorized the appropriation of \$1.50 billion annually during FY 2010–FY 2014 for FAA-authorized assistance for Pakistan. P.L.111-73 likewise authorized unspecified amounts of FMFP and IMET annually during FY 2010–FY 2014 for Pakistan assistance to include defense articles, services, and training for activities relating to counterinsurgency and counterterrorism operations. This program is no longer being funded.

### ***“1208” Support of Special Operations to Combat Terrorism***

Section 1208, NDAA, FY 2005, P.L. 108-375, 28 October 2004, as amended, originally authorized the SecDef to expend up to \$25 million in DoD funding annually to support foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing operations by U.S. special operations forces in combating terrorism. This authority is not to be delegated below the SecDef and requires the concurrence of the relevant U.S. chief of mission. This “1208” authority is now \$85 million annually through FY 2017 as per section 1274, NDAA FY 2016, P.L. 114-92, 25 November 2015.

### ***Non-Conventional Assisted Recovery Capabilities (NCARC)***

Section 943, NDAA, FY 2009, P.L.110-417, 14 October 2008, as amended, authorized the use of DoD operations and maintenance (O&M) funding not to exceed \$20 million annually through FY 2016 by a CCMD to establish, develop, and maintain a capability to recover DoD or U.S. Coast Guard (USCG) military or civilian personnel or other individuals who, become separated or isolated and



cannot rejoin their units during U.S. military operations. Procedures for establishing this capability are to be developed by the SecDef. Concurrence of the relevant chief of mission and a thirty-day Congressional notification prior to implementation are required. The authority may, in limited and special circumstances, include providing support to foreign forces, irregular forces, groups, or individuals. NCARC has now been raised to \$25 million and authority extended through FY 2018 as per section 1271, NDAA, FY 2016, P.L. 114-92, 25 November 2015.

### ***Acquisition and Cross-Servicing Agreements***

Acquisition and cross-servicing agreements (ACSA) are initiated and negotiated by a CCMD to allow U.S. logistics support of a military unit of another country. Lethal significant military equipment (SME), or support reasonably available from U.S. commercial sources are not be provided under an ACSA. The Joint Staff (OJCS), OSD, and DoS, to include a thirty day advance notification to Congress, must approve the proposal before the agreement is negotiated and concluded by the CCMD. The authority for an ACSA is 10 U.S.C. 2341-2350, with procedures provided in DODD 2010.9.

Using the ACSA process, section 1207, NDAA, FY 2015, P.L.113-291, 19 December 2014, authorizes the loan of certain categories of SME defense articles to countries participating in coalition operations, or for peacekeeping operations. This “1207” authority is limited to U.S. Munitions List (USML) Categories I, II, III, VII (less tanks), and X defense articles. This authorization has been extended through FY 2019. It must be determined by the Secretaries of State and Defense that it is in the U.S. national security interest to provide this loan and there are no unfilled U.S. in-theater requirements for the loaned articles.

### ***Air Transportation and Air Refueling Services (ATARES) Program***

Section 1276, NDAA, FY2013, P.L.112-239, 2 January 2013, authorizes DoD participation by international agreement with the Movement Coordination Centre Europe ATARES program amounting to the reciprocal exchange of air transportation and refueling services. This is to be conducted on a reimbursable or replacement-in-kind basis to be reconciled not less than every five years. This authority is to expire at five years from the date of the implementing agreement. U.S. flight hours are not to exceed 500 hours and refueling flight hours are not to exceed 200 hours.

### ***No-Cost Transfer of Defense Articles to Afghanistan***

Section 1222, NDAA, FY 2013, P.L.112-239, 2 January 2013, as amended, authorized the transfer of defense articles to Afghanistan before 31 December 2015. The value of the total transfer is not to exceed \$250 million in replacement value per fiscal year. The articles must have been present in Afghanistan on 2 January 2013, have been in use in support of operations in Afghanistan, and are no longer required by U.S. forces in Afghanistan. Any transfer requires the concurrence of the SecState and a fifteen day advance notification to Congress. This authority is in addition to the section 516, FAA, grant EDA authority. This authority has also been extended through 31 December 2015 as per section 1215, NDAA, FY 2016, P.L. 114-92, 25 November 2015.

### ***Support of Coalition Forces in Combined Operations***

Section 1201, NDAA, FY 2008, P.L.109-364, 17 October 2006, provided for a new 10 U.S.C. 127(d), authorizing up to \$100 million annually in DoD logistics, supply, and services to allied forces to support their participation in combined operations.

### ***“1533” Joint Improvised Explosive Device Defeat Fund for Training of Foreign Security Forces to Defeat Improvised Explosive Devices***

This new program for FY 2016, under specific situations and to a limited amount, allows the foreign security forces of our partner nations to access the Joint Improvised Explosive Device Fund



(JIEDF). This will be for use in locations where DoD is conducting a named operation or in geographic areas where the Secretary of Defense has determined that a foreign force is facing a significant threat from improvised explosive devices. As per section 1533, NDAA, FY 2016, P.L. 114-92, 25 November 2015, the value of this program is set at \$30 million and this assistance may not be provided after 31 Sep 2018.

### ***“1233” Coalition Support Fund (CSF)***

Section 1233, NDAA, FY 2008, P.L.110-181, 28 January 2008, as amended, authorizes the use of DoD funding through FY 2016 to reimburse key allies in support of overseas contingency operations. DoD O&M funding of \$1.2 billion is authorized for this program but no more than \$1 billion of this total can be used for reimbursement of Pakistan, provided that Pakistan takes demonstrable steps in restricting the movements of militants such as the Haqqani Network along the Afghan-Pakistan border, section 1212, NDAA, FY 2016, P.L. 114-92, 25 November 2015.

The portion of this CSF that authorizes the transfer of defense equipment, training, and supplies as reimbursement is entitled the Coalition Readiness Support Program (CRSP) and is implemented DoD/DSCA using pseudo LOA case procedures requiring a fifteen-day advance notification to Congress.

### ***“1207” Assistance to the Government of Jordan for Border Security Operations***

Section 1207, NDAA, FY 2014, P.L.113-66, 26 December 2013, as amended, authorizes the DoD use of \$600 million in FY 2016 CTPF for assistance to Jordan for the purposes of supporting and maintaining efforts of Jordan armed forces to increase security and sustain increased security along the border between Jordan and Syria. No assistance is to be provided after 31 December 2016. The concurrence of SecState and a fifteen-day advance congressional notification are required.

### ***“1226” Support to the Government of Jordan and Lebanon for Border Security Operations***

This is a new program for FY 2016; which provides assistance for the Government of Jordan and the Government of Lebanon for Border Security operations and support; the support under this program may be provided on a quarterly basis. Not later than 15 days before providing support the Secretary of Defense shall submit to Congress a report setting forth a full description of the what is to be provided, including the amount, timeline, and to whom; \$150M from the CTFP may be used for this program and this assistance may not be provided after 31 Dec 2018 as per section 1226, NDAA, FY 2016, P.L. 114-92, 25 November 2015.

### ***“1234” Logistical Support for Coalition Forces Supporting U.S. Military Operations in Afghanistan***

Section 1234, NDAA, FY 2008, P.L.110-181, 28 January 2008, as amended, authorizes SecDef to provide up to \$450 million in O&M funding for the provision of supplies, services, transportation (to include airlift and sealift), and other logistical support to coalition forces supporting the U.S. military operations in Afghanistan and Iraq through FY 2015. Export control laws are to apply. It must also be determined by SecDef that the supported coalition forces are essential to the success of a U.S. military or stabilization operation and the coalition forces would not be able to participate without the provision of such support. Section 1201, NDAA, FY 2016, P.L. 114-92, 25 November 2015, extended this authority until 31 December 2016.

### ***Train and Equip Foreign Personnel to Assist in Accounting for Missing U.S. Government Personnel***

Section 1207, NDAA, FY 2008, P.L.110-181, 28 January 2008, provided a new 10 U.S.C. 408 authorizing up to \$1 million in DoD funding annually to provide training and equipment, with the specific approval of the SecState, to any country willing to assist DoD with accounting for and recovery of missing USG personnel.

### ***“1004” DoD Support for Counter-Drug Activities and Activities to Counter Transnational Organized Crime***

Section 1004, NDAA, FY 1991, P.L. 101-510, 5 November 1990, as amended, authorizes counter-narcotics support to U.S. and foreign counterdrug agencies, to include providing defense services and training in support of DoD-loaned equipment. Pseudo LOA procedures can be used by DoD agencies to provide support as required to the ASD (SOLIC). This “1004” authority is currently extended through FY 2017.

### ***“1033” DoD Assistance for Counternarcotics Activities by Certain Countries***

Section 1033, NDAA, FY 1998, P.L.105-85, 18 November 1997, as amended, authorizes DoD to provide counterdrug patrol boats, non-lethal protective and specialized equipment, non-lethal components and parts, and maintenance, repairs, and upgrade services of equipment used for counternarcotics. Pseudo LOA case procedures can likewise be used in this additional support of ASD (SOLIC) directed activities (SAMM, C11.3). This “1033” authority is currently extended through FY 2017 with \$125 million in total DoD annual funding authorized for now 41 specified countries. Countries authorized such assistance include:

Afghanistan	Ghana	Mexico
Armenia	Guatemala	Nicaragua
Azerbaijan	Guinea	Niger
Belize	Honduras	Panama
Benin	Ivory Coast	Pakistan
Bolivia	Jamaica	Peru
Cape Verde	Kazakhstan	Senegal
Chad	Kenya	Sierra Leone
Colombia	Kyrgyzstan	Tajikistan
Dominican Republic	Liberia	Tanzania
Ecuador	Libya	Togo
El Salvador	Mauritania	Turkmenistan
The Gambia	Mali	Uzbekistan
Guinea-Bissau	Nigeria	

### ***“1021” Unified Counter-Drug and Counter Terrorism Campaign in Colombia***

Section 1021, NDAA, FY 2005, P.L.108-375, 28 October 2004, as amended, authorizes DoD to fund assistance to Colombia in support of unified counternarcotics and counterterrorism. This authority currently is through FY 2017. This “1021” authority also prohibits combat activities by U.S. military or civilian personnel or U.S. citizen contractors, except for self-defense or during rescue operations.

### ***“1022” Joint Task Force to Provide Support to Law Enforcement Agencies Conducting Counterterrorism Activities or Counter-Transnational Organized Crime Activities***

Section 1022, NDAA, FY 2004, P.L.108-136, 24 November 2003, as amended, authorizes a DoD joint task force to support counterterrorism law enforcement agencies through FY 2020.

### ***South China Sea Initiative (SCSI)***

This new program for FY 2016 provides authorization to support various countries in the South China Sea region with equipment, supplies, training, and small-scale military construction in order to increase maritime security and freedom of movement in the South China Sea. Priority in training and assistance will be given to countries; which, whose enhancement will most contribute to greater stability and security in the region. Not later than 15 days before exercising this authority, the Secretary of Defense shall provide notification to the appropriate congressional committees. This notification shall include the recipient country, detailed justification of said country, a description of the proposed action, its budget, and statement of the action's objectives. Assistance includes equipment, supplies, training, and small scale construction. \$50M in DoD O&M is authorized for the eligible countries of Malaysia, Philippines, Thailand, Vietnam, Brunei, Singapore, and Taiwan. This assistance may not be provided after 30 Sep 2020 as per section 1263, NDAA, FY 2016, P.L. 114-92, 25 November 2015. Brunei, Singapore, and Taiwan are only authorized for incremental training expenses.

### **International Armaments Cooperation**

The following provides an overview of International Armaments Cooperation programs with more in depth discussion to be provided in chapter 13, "Systems Acquisition and International Armaments Cooperation." The Office of International Cooperation within the Under SecDef for Acquisition, Technology, and Logistics [USD (AT&L)] organization provides DoD coordination with the various military department and applicable defense agencies in the funding and management of international armaments cooperation. The CCMDs and applicable SDO/DATs will provide any representation and coordination required in-country for armaments cooperation programs.

### ***Information Exchange Program***

10 U.S.C. 2358 authorizes the DoD acquisition community to enter into international agreements for the reciprocal exchange of research and development (R&D) data with a country, with the goal of saving both DoD R&D funding and time in the U.S. research-development, test, and evaluation (RDT&E) process. The OSD administrator for this program is USD (AT&L), with the MILDEP and DoD agency acquisition communities being the implementers.

### ***Exchange of Engineers and Scientists***

Section 1082, NDAA, FY 1997, P.L.104-201, 23 September 1996, authorizes the DoD acquisition community, among others, to enter into international agreements for the reciprocal exchange of engineers and scientists (ESEP) for cooperative research and training. It is not to be an information collection program. USD (AT&L) provides oversight to this program with the MILDEP and DoD agency acquisition communities being the implementers.

### ***Foreign Comparative Testing***

10 U.S.C. 2350a(g) authorizes the DoD acquisition community to enter into international agreements for the test and evaluation of operational weapons systems from other countries to determine if the foreign weapon system is a candidate for U.S. acquisition. Again, the USD (AT&L) provides oversight to this program, with the MILDEPs and DoD agencies being the implementers.

### ***Cooperative Research, Development, Test, Evaluation and Production***

Section 27, AECA, authorizes the DoD acquisition community to enter into international agreements with countries for the mutually beneficial development and possible production of weapons systems. USD (AT&L) provides the general oversight for this complex program with other countries. The Nunn Amendment provided the initial authority and funding for this cooperative program with NATO allies. The Quayle Amendment later expanded the Nunn Amendment to include Australia, Japan, and South

Korea, referring to them as major non-NATO allies. P.L.99-661 later further expanded eligibility for this program beyond the NATO and major non-NATO allies to include other friendly countries.

### ***No-Cost Equipment Loans***

Section 65, AECA, authorizes the loan of a U.S. defense article by international agreement at no-cost to a country for the expressed purpose of furthering a cooperative RDT&E program. Again, this program is managed within the DoD acquisition community by USD (AT&L).

### ***Cooperative Threat Reduction (CTR) Program***

Sometimes referred to as the Nunn-Lugar program, its goals are elimination and the safe and secure transportation and storage of nuclear, chemical, and other weapons of mass-destruction in the republics of the former Soviet Union. This program was first authorized by NDAA, FY 1991, P.L.101-510, 5 November 1990, and has continued each fiscal year since. The program has expanded to selected countries outside of the former Soviet Union region and includes the control of conventional weapons. USD (AT&L) management overseas is performed by Defense Threat Reduction Agency (DTRA) assigned personnel.

Title II, DoD Appropriations Act, FY 2015, P.L. 113-291, 19 December 2014, appropriated \$365.108 million in DoD funding for this purpose during FY 2015 to remain available through FY 2017. Title II, DoD Appropriations Act, FY 2016, P.L. 114-113, 18 December 2015, appropriated \$343.496 million in DoD funding for this purpose during FY 2016 to remain available through FY 2018.

### ***Israeli Cooperative Programs***

For several years, DoD has been given annual authority and funding for the development, production, and co-production of various Israeli missile defense systems both in the U.S. and in Israel. Section 8071, DoD Appropriations Act, FY 2016, Div. C, P.L. 114-113, 18 December 2015, provides \$487.595 million in research, development, test, and evaluation and procurement funding for continued support of the Arrow missile defense program and for the short range ballistic missile defense (SRBMD) program, the upper-tier component to the Israeli missile defense architecture, Iron Dome, and the Arrow system improvement program. The Missile Defense Agency is the USG agency responsible for the coproduction arrangement.

### ***United States-Israel Anti-Tunnel Cooperation***

Section 1279, FY 2016, NDAA, P.L. 114-92, 25 Nov 2015, authorizes a new program for FY 2016 that allows the Secretary of Defense to provide maintenance and sustainment support to Israel for anti-tunnel capabilities research, development, test, and evaluation. This authorization includes the ability to install necessary research equipment. Before implementing this authority, the Secretary of Defense shall provide a report to the appropriate congressional committees. This report shall include a memorandum of agreement between the United States and Israel regarding the sharing of research and development costs under this authority. \$25M per fiscal year is authorized for this program; however, assistance may not be provided after 31 Dec 2018.

### ***International Air and Trade Shows***

Section 1082, NDAA, FY 1993, P.L.102-484, 6 October 1992, authorized DoD support of air and trade shows with the requirement for DODI 7230.08, *Leases and Demonstration of DoD Equipment*, 2 January 2009, governing DoD support of shows. USD (P) must approve with recommendations from the applicable CCMD and chief of mission (COM). A forty-five-day advance congressional notification is also required. U.S. industry may lease equipment from DoD but compensate for any costs.

## **Humanitarian Assistance**

These programs were the first DoD-funded programs to be administered by DSCA under the conception of security cooperation. It should be noted that the DoS has parallel programs generally managed by USAID in response to any requests by the affected U.S. embassy responding to country requirements. Much of this assistance is provided in coordination with the U.S. embassy, the CCMD, DoS, USAID, and U.S. Transportation Command (USTRANSCOM). Title II, DoD Appropriations Act, FY 2016, P.L.114-113, 18 December 2015, appropriated \$103.266 million to remain available through FY 2017 for expenses related to DoD Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs. Requests for OHDACA funds for any of these programs generally begin in country with the SCO and are consolidated and prioritized at the CCMD, and then forwarded to DSCA for any required coordination with DoS/USAID and the military departments. DoS and USAID annually receive even more funding for overseas humanitarian, disaster, and migration assistance programs.

### ***Humanitarian and Civic Action during Military Operations***

10 U.S.C. 401 authorizes military forces to carry out humanitarian and civic action (HCA) projects and activities in conjunction with military operations. The CCMD nominates such action for OSD staffing primarily within USD (P) and DSCA for approval and funding. DODD 2205.2 and SAMM, C12, provide policy guidance and DoD component responsibilities for the DoD HCA program.

### ***Humanitarian Assistance Transportation***

10 U.S.C. 2561 authorizes DoD to fund transportation of humanitarian relief worldwide for non-profit, non-government (NGOs), and private volunteer organizations. SAMM, C12.7, provides guidance.

10 U.S.C. 402 authorizes DoD to transport on a space-available basis, humanitarian relief supplies furnished by a non-government organization. SAMM, C12.7.4.2, provides guidance. This program is often referred to as the Denton Program.

### ***Foreign Disaster Relief***

10 U.S.C. 404 authorizes DoD to assist countries responding to man-made or natural disaster when necessary to prevent the loss of life. This program enables the CCMDs to respond quickly and effectively to disasters in their area of operations and to manage the humanitarian dimensions of security crises. The CCMDs engage in foreign disaster relief and emergency response (FDR/ER) activities only when directed by the President, with the concurrence of the SecState, and in emergency situations to save lives. DoD is routinely in support of USAID and the COM during the conduct of FDR operations. Activities may include services and supplies, logistical support, search and rescue, medical evacuation, and refugee assistance. The FDR/ER program allows for the delivery of humanitarian daily rations (HDR) for use in foreign countries to alleviate hunger after man-made or natural disasters. SAMM, C12.9 provides guidance.

### ***Humanitarian Daily Rations***

10 U.S.C. 2561 authorizes DoD funding and provision of low cost, nutritional, easily deliverable, daily rations for alleviating hunger in countries after a man-made or natural disaster. SAMM, C12, provides guidance.

### ***Excess Property Humanitarian Assistance***

10 U.S.C. 2557 authorizes DoD to provide excess non-lethal supplies to foreign governments and civilian organizations for humanitarian relief purposes when requested by the U.S. embassy. DoD



processes, refurbishes, stores, and transports the property to the country for distribution by the U.S. embassy. SAMM, C12.6, provides guidance.

### ***Humanitarian Mine Action***

10 U.S.C. 407 authorizes DoD in conjunction with military operations to assist countries in the detection of land mines, and to train partner nations in the procedures of land mine clearance, mine risk education, and victim assistance. Section 1092, P.L.112-81, 31 December 2011, NDAA, FY 2012, amended 10 U.S.C. 407 to include training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous conventional munitions. Section 1041, P.L. 113-291, 19 December 2014, NDAA, FY 2015 further amended 10 U.S.C. 407 by including training and support in demilitarization and security of small arms, and light weapons, including man-portable air defense systems. The Humanitarian Mine Action program also develops indigenous leadership and organizational skills to sustain the effort after the departure of U.S. trainers. Except for the concurrent purpose of supporting U.S. military operations, no DoD personnel may engage in the physical detection, lifting, or destruction of land mines.

10 U.S.C. 407 authorizes the annual use of \$10 million by DoD for humanitarian mine action activities. SAMM, C12.8, provides guidance regarding this Humanitarian Mine Action (HMA) program. DSCA manages the U.S. training program through the U.S. Army's Humanitarian Demining Training Center at Fort Leonard Wood, Missouri. Additionally, the Center for Excellence in Disaster Management & Humanitarian Assistance (CFE-DMHA) at Camp Smith, Hawaii, also provides expertise in Humanitarian Assistance and Disaster Relief (HADR).

### ***Commander's Emergency Response Program***

The purpose of the Commander's Emergency Response Program (CERP) is to enable field commanders in Afghanistan to respond to urgent humanitarian relief and reconstruction requirements. Section 1211, NDAA, FY 2016, P.L.114-92, 25 November 2015, authorizes \$5M in Army O&M for use in CERP activities in Afghanistan during FY 2016.

### ***"1216" Reintegration Activities in Afghanistan***

Section 1216, NDAA, FY 2011, P.L.111-383, as amended, authorizes SecDef, with SecState concurrence, develop and support the reintegration of former terrorists into the Afghanistan society. Up to \$5 million in annual DoD O&M funding is authorized for such use with no funds to be used after 31 December 2015.

### ***"1217" Afghanistan Infrastructure Fund***

Section 1217, NDAA, FY 2011, P.L.111-383, as amended, authorizes the DoD and DoS joint development of an infrastructure projects program in support of the counterinsurgency strategy in Afghanistan to be undertaken by SecState, unless both secretaries jointly decide a project will be undertaken by DoD. Such projects may include, but are not limited to, water, power, and transportation projects, and related maintenance and sustainment costs. Any funds transferred by DoD to DoS for any project shall be considered to be FAA-authorized economic assistance. A fifteen-day notification to Congress is required prior to any funds transfer or any obligation. Title IX, DoD Appropriations Act, FY 2014, Div. C, P.L. 113-76, 17 January 2014, provided \$199 million for this fund, to be available through FY 2015.

### ***"1204" Authority to Conduct Activities to Enhance the Capability of Foreign Countries to Respond to Incidents Involving Weapons of Mass Destruction***

Section 1204, NDAA, FY 2014, P.L. 113-66, 26 December 2013, as amended, authorizes SecDef with the concurrence of SecState to provide assistance to the military and civilian first responder

organizations of countries that share a border with Syria in order to enhance the capability of such countries to respond effectively to potential incidents involving weapons of mass destruction in Syria and the surrounding region. The assistance may include training, equipment, and supplies.

Funding for such assistance is to be derived from O&M funding authorized for appropriation to the Defense Threat Reduction Agency (DTRA). Congress is to be notified if assistance is anticipated to exceed \$4 million in a fiscal year. This authority for assistance is not to be exercised after 30 September 2019.

### **Training and Education**

#### ***Regional Defense Combating Terrorism Fellowship Program***

The regional defense Combating Terrorism Fellowship Program (CTFP) was established in 2002 first with DoD funding, later with DoD authorizations, and now codified as 10 U.S.C. 2249c. The purpose of the program is to help key partner nations cooperate with the U.S. in the fight against international terrorism by providing education and training on a grant basis to foreign military and civilian personnel. The objective is to bolster the capacity of friends and allies to detect, monitor, interdict, and disrupt the activities of terrorist networks, ranging from weapons trafficking and terrorist-related financing to actual operational planning by terrorist groups. ASD (SOLIC) is the OSD manager of CTFP, in coordination with the CCMDs. The day-to-day administration of the program is performed by DSCA. Originally, \$20 million was appropriated to DoD for CTFP. The management of quotas by the SCO, CCMD, and military departments is very similar to that of IMET. Section 1204, NDAA, FY 2007, P.L.109-364, 17 October 2006, amended the annual funding authority to \$25 million. Later, section 1214, NDAA, FY 2009, P.L. 110-417, 14 October 2008, amended the authorized annual funding level to the current level of \$35 million.

#### ***“1206” Training of Security Forces and Associated Security Ministries of Foreign Countries to Promote Respect for the Rule of Law and Human Rights***

Section 1206, NDAA, FY 2015, P.L. 113-291, 19 December 2014, authorized the SecDef to conduct human rights training of security forces and associated security ministries of foreign countries prohibited from receiving training because of gross violation of human rights. This training may only be conducted with the concurrence of the SecState and is to be conducted in the country of origin of the security forces in question. Such training may be considered a corrective step but is not sufficient for meeting the accountability requirement under the exception established in sub section (b) of section 2249e of Title 10 USC. This authority expires at the end of FY 2020.

#### ***DoD Regional Centers for Security Studies***

Title 10 authorities and DoD appropriations funded the development of five regional centers for security studies (RCSS). The centers serve as a mechanism for communicating U.S. foreign and defense policies to international students, a means for countries to provide feedback to the U.S. concerning these policies and communicating country policies to the U.S.. The regional centers' activities include education, research, and outreach. They conduct multi-lateral courses in residence, seminars within their region, and conferences that address global and regional security challenges, such as terrorism and proliferation. Participants are drawn from the civilian and military leadership of allied and partner nations. Security assistance funding is not used to pay for the centers or the students attending them. However, under certain circumstances, DoD funds may be used to fund foreign attendance at the centers. The USD (P) in coordination with the relevant CCMD provides oversight for the five centers. DODD 5200.41 provides policy and management guidance. Beginning in FY 2006, DSCA began administering the DoD centers under the direction of the USD (P). The five centers are:

- Africa Center for Strategic Studies (ACSS), located at the National Defense University in Fort McNair, Washington, DC was established in 1999.
- Daniel K. Inouye Asia-Pacific Center for Security Studies (APCSS), located in Honolulu, Hawaii, was established in 1995.
- William J. Perry Center for Hemispheric Defense Studies (CHDS), located at the National Defense University in Fort McNair, Washington, DC was established in 1997.
- George C. Marshall European Center for Security Studies (MC), located in Garmisch, Germany, was established in 1993.
- Near-East South Asia Center for Strategic Studies (NESA Center), located at the National Defense University in Fort McNair, Washington, DC was established in 2000.

Section 904, NDAA, FY 2007, P.L.109-364, 17 October 2006, finally codified the authority for these regional centers with a new 10 U.S.C. 184.

### ***Military Academies***

The military department (MILDEP) secretaries each may provide up to sixty quotas at any one time to foreign military students to attend the three military academies. Unless otherwise approved, not more than three students from any one country may be enrolled at a single academy. In addition to determining eligible countries at the end of June prior to the school year, the USD (P) may waive all or any part of the requirement to reimburse any cost for attendance. These programs are not considered security assistance. Once approved, invitations to submit applications to attend the academies are extended at the end of August prior to the upcoming school year by the applicable superintendents through the USDAOs. DODD 1322.22, *Service Academies*, 20 September 2011, applies. The authorities for attending the military academies are:

- 10 U.S.C. 4344(a)(1) for the U.S. Military Academy
- 10 U.S.C. 6957(a)(1) for the U.S. Naval Academy
- 10 U.S.C. 9344(a)(1) for the U.S. Air Force Academy

### ***Military Academy Student Exchanges***

By international agreement, the MILDEP secretaries each may authorize up to one hundred students annually to participate in the reciprocal exchange of cadets to attend the appropriate military academies. The sixty-student enrollment restriction imposed by DODD 1322.22 does not apply to students participating in exchange programs of up to two semesters in duration. The authorities for this exchange program are:

- 10 U.S.C. 4345 for the U.S. Military Academy
- 10 U.S.C. 6957a for the U.S. Naval Academy
- 10 U.S.C. 9345 for the U.S. Air Force Academy

International travel costs are to be funded by the participating countries while other costs may be funded by the U.S. to the extent comparable to the support normally provided by the academy to U.S. cadets. Expenditures for this exchange provide may not exceed \$1 million annually for each academy.

### ***U.S. Coast Guard Academy***

14 U.S.C. 195 authorizes not more than thirty-six internationals may receive instruction at the U.S. Coast Guard Academy and, unless waived, the applicable country must reimburse all costs for the attendance for education.

### ***Inter-European Air Forces Academy***

Section 1268, NDAA, FY 2015, P.L. 113-291, 19 December 2014, authorizes the Secretary of the Air Force (SecAF), with concurrence of the SecState, to provide military training and education to military personnel of countries that are members of NATO or signatories to the Partnership for Peace (PfP) framework documents. The SecAF is to provide an annual report to Congress on the progress of this Academy. Air Force O&M funds are to be used to fund this Academy and may pay for transportation, supplies, billeting, food, equipment, and health services. To attend, military personnel of each country must be otherwise eligible by law to receive education and training. This authority expires at the end of FY 2019.

### ***Electronic Distribution of Training Material***

Section 1205, NDAA, FY 2009, P.L. 110-417, 14 October 2008, provided a new 10 U.S.C. 2249c authorizing DoD, with the concurrence of DoS, to provide electronically distributed learning content for the education and training for the development and enhancement of allied and friendly military and civilian capabilities for multinational operations and exercises.

This is to include computer-based training, advanced distributed training, and computer-assisted training. Participation is limited to personnel only with the permission of the applicable government.

### ***Aviation Leadership Program***

10 U.S.C. 9381-9383 authorizes the Secretary of the Air Force (SAF) to provide undergraduate pilot training and any necessary related training to include language training to students from friendly, less-developed countries. Though aviation leadership program (ALP) students are to be managed and priced as if in the IMET program, IMET funds are not to be used. Any training costs to include actual cost of the training and subsistence are to be incurred by the USAF. DODI 2010.12 provides guidance to SAF, DSCA, and the CCMDs for ALP eligibility and implementation.

### ***Latin America Training Waiver***

10 U.S.C. 1050 authorizes the waiving of training and education costs for a Latin American student to attend a U.S. military training institution. The applicable MILDEP will absorb the waived costs.

### ***African Cooperation***

Section 1204, NDAA, FY 2011, P.L. 111-383, 7 January 2011, provided a new 10 U.S.C. 1051a for the payment of personnel expenses in support of U.S. Africa Command. DoD or the MILDEPs may pay the travel, subsistence, and special compensation of officers and students of African countries plus any other expenses DoD considers necessary for African cooperation.

### ***Distinguished Visitor Orientation Tours***

Section 636(g)(2), FAA, authorizes reimbursement from the annual S/FOAA of actual expenses of U.S. military officers detailed as tour directors during distinguished visitor orientation tours (DVOT) by foreign military and related civilian personnel.

### ***Reciprocal Professional Military Education Student Exchanges***

Section 544(a), FAA, authorizes by international agreement no-cost, reciprocal professional military education (PME) student exchanges. PME usually includes attendance at the MILDEP leadership and management education institutions but not to include the service academies. The U.S. participant in this program will attend the equivalent institution in the foreign country and be administratively supported by either the local DAO or SCO.

### ***Reciprocal Flight Student Exchanges***

Section 544(b), FAA, authorizes by international agreement no-cost, reciprocal flight training, to include test pilot schools, training student exchanges. This may include military or civilian defense personnel. Again, the U.S. students in a country may be administratively managed by either the DAO or SCO.

### ***Flight and Leadership Training in Southwest Asia***

Section 544(c), FAA, authorizes the participation of foreign and U.S. military and civilian defense personnel at no-charge in post-undergraduate flying and tactical leadership training, and integrated air and missile defense programs at locations in Southwest Asia. Any U.S. costs are to be absorbed by the participating USG agency.

### ***Reciprocal Unit Exchange Training***

Section 30A, AECA, authorizes the no-cost, reciprocal exchange of military units for mutual training. If the exchange does not mutually take place within one year, then the training costs must be reimbursed.

### **Combined Exercises**

Combined exercises are exercises between the forces of the U.S. and those of one or more other countries. While doctrinally incorrect, these exercises are sometimes referred to as multinational, coalition, or joint operations. It should be noted that the term “joint” refers to two or more services, e.g., army and air force. Exercises can be both joint and combined, while most combined exercises are single-service combined exercises. The primary purpose of combined exercises is the training of U.S. forces, emphasizing interoperability and capability building, though the host nation also benefits from the training as well. The authorities for these programs are either Title 10 U.S.C. or the annual national defense authorization act (NDAA) with funding provided within the annual DoD appropriations acts.

There are three types of exercises that may fall under this title:

- Field Training Exercises (FTX): These are the most realistic of exercises, taking the form of actual forces in the field, thus allowing all the moving parts to be tested. These are also the most resource intensive in money, manpower, material, and preparation time.
- Command Post Exercises (CPX): An exercise in which the forces are simulated, involving the commander, the staff, and communications/coordination among the participating headquarters.
- Table Top Exercises (TTX): Tabletop exercises are the least resource intensive of these three types, ranging from a formal, detailed planning process to a simple discussion. TTXs are excellent when senior leaders want to explore a number for possible scenarios or possible futures.



### ***Joint Exercise Program***

Also known as CJCS Exercise or Joint Staff-Sponsored Exercises are held at the overall direction of the Joint Staff. Title 10 U.S.C. 153 authorizes periodic or one-time combined CPXs and FTXs to be conducted by the CCMDs and their component commands with the military forces of other countries. Typically, these exercises are established and held at regular intervals to promote interoperability, evaluate readiness, and promote influence. The conduct of these exercises will require in-country advance planning, coordination, and Leahy human rights vetting by the country team, especially those U.S. military organizations responsible to the SDO/DATT.

Section 1203, NDAA, FY2014, P.L.113-66, 26 December 2013, temporarily authorizes U.S. general purposes forces (GPF) to train with foreign security forces through FY 2017. However, this is not to include foreign civilian police forces.

### ***Exercise-Related Construction***

The exercise-related construction (ERC) program is authorized by 10 U.S.C. 2805 with policy guidance provided within CJSCI 4600.02A to allow overseas construction by the U.S. military in locations where there is no permanent U.S. presence. The construction is to enhance exercise effectiveness, enhance troop quality of life, and increase operational readiness. The construction is typically used by U.S. forces during an exercise but remains intact for host nation use after departure. Projects may include new construction, conversion of existing facilities (e.g., warehouses into exercise operations centers), and restoration of deteriorating facilities. U.S. and/or host nation engineers units and construction contracts may be used to accomplish projects. When construction is accomplished with partner nation engineers, interoperability benefits are also obtained. The Joint Staff logistics engineering division (J4/ED) manages the program through the engineer divisions of the area CCMDs. Project limits are (1) \$2 million, (\$3 million for life/health/safety threat) of Unspecified Minor Military Construction, or (2) \$750,000 (\$1.5 million for life/health/safety threat) of O&M funds.

ERC cannot be used for any project that: (1) could be funded under another program, (2) could be funded by other means, (3) represents foreign assistance, (4) supports counter drug efforts, or (5) supports a continuous U.S. presence.

### ***Joint Combined Exchange Training***

Joint-Combined Exchange Training (JCET) overseas is used primarily to provide overseas training for U.S. Special Operations Forces (SOF). At the same time, host nation counterparts derive a secondary benefit from the exchange of skills with U.S. SOF. 10 U.S.C. 2011 provides the authority for the use of DoD funding for JCET. This funding can be used for the training of the foreign counterparts, expenses for the U.S. deployment, and incremental expenses incurred by developing countries.

### ***Developing Country Combined Exercise Program***

The developing country combined exercise program (DCCEP) is authorized by 10 U.S.C. 2010 to use DoD funds to pay for incremental expenses for a developing country to participate in a combined exercise with U.S. forces. It must be determined that the country's participation is necessary to achieve the fundamental objective(s) of the exercise, and that they qualify as a developing country. Such expenses normally include rations, fuel, training ammunition, and transportation. It does not authorize the payment of pay or allowances.

### ***Defense Health Program***

Title VI, DoD Appropriations Act, FY 2016, Div. C, P.L. 114-113, 18 December 2015, earmarks \$8 million for human immunodeficiency virus (HIV) prevention educational activities undertaken in

connection with U.S. training, exercises, and humanitarian assistance activities conducted in African countries. This has been a recurring annual requirement.

### ***“1251” Training for Eastern European National Military Forces During Multilateral Exercises***

As per section 1251, NDAA, FY 2016, P.L. 114-92, 25 November 2015, this new FY 2016 program provides authority to cover the incremental expenses of certain Eastern European nations due to participation in multilateral training exercises. In general, the multilateral exercise training provided to such countries under this authority will be comparable or complimentary to the types of training that the United States Armed Forces receive in the course of such multilateral exercises. Incremental expenses covered under this authority are rations, fuel, training ammunition, and transportation. The value of this program is \$28M per fiscal year and the eligible countries are Signatory ones to the PfP Framework (but not a member of NATO) & Countries that became a member of NATO after 1 Jan 1999. This assistance may not be provided after 30 Sep 2017.

### **Contact Programs**

There can be some confusion about the definition of Military-to-Military (M2M) contact programs. While 10 U.S.C. 168 authorizes “The Secretary of Defense may conduct military-to-military contacts and comparable activities that are designed to encourage a democratic orientation of defense establishments and military forces of other countries,” it is not a clearly defined program and, more importantly, not specifically funded on an annual basis. 10 U.S.C. 168 is often referred to as the Traditional Combatant Commander Activities (TCCA), to include the following:

- Traveling contact teams
- Familiarization visits
- Military liaison teams
- Exchanges of civilian or military personnel between DoD and ministries of defense
- Exchanges of military personnel between units of U.S. armed forces and foreign armed forces
- Seminars and conferences held primarily in a theater of operations
- Distribution of publications primarily in a theater of operations
- Personnel expenses of DoD personnel as they relate to above activities
- Reimbursement of pay and allowances paid to reserve personnel
- Assignment of exchange personnel on a nonreciprocal basis

TCCA activities are to be approved by SecState and not to fund the transfer of defense articles, services, or training. Participating countries must be eligible for the IMET program.

10 U.S.C. 168 defines M2M contacts as “contacts between members of the armed forces and members of foreign forces” through the above described activities.

### ***Combatant Commander Initiative Fund (CCIF)***

10 U.S.C. 166a authorizes \$25 million annually to fund certain CCMD programs nominated to the SecDef for management by the Joint Staff in accordance with CJCI 7401.01F, 30 November 2012. Authorized CCIF funded programs include the following:

- Training of partner nation military personnel
- Contingencies
- Combined exercises
- Selected operations
- Force protection
- Force training

Though authorized for \$25 million annually, recent appropriations acts have provided different levels of funding. For example, \$30 million was appropriated for the FY 2013 CCIF while \$15 million was appropriated for FY 2015.

### ***Payment of Expenses to Attend Bilateral or Regional Conferences***

10 U.S.C. 1051 authorizes DoD to pay travel and personal expenses for developing country personnel to attend bilateral or regional conferences, usually sponsored by a CCMD, if it is determined that it is in the U.S. national interest to do so. This authority may also be used to fund attendees at Partnership for Peace (PfP) conferences. “Developing countries” are defined within DepSecDef memo of 25 March 2013.

### ***Defense Personnel Exchange Program***

Section 1082, NDAA, FY 1997, P.L.104-201, 23 September 1996, authorizes DoD to enter into reciprocal personnel exchange agreements with a country for personnel to be assigned to each other’s organizations. Though not codified into 10 U.S.C., this authority has no expiration date.

Each country is to pay any associated costs with the exchange. Exceptions to this requirement are temporary duty costs and training directed by the host country. Types of exchanges may include: professional exchanges (PEP), administrative professional exchanges (APEP), intelligence professional exchanges, and engineer and scientist exchanges (ESEP). Foreign liaison officers (FLO) are included but they are to only represent their country.

### ***National Guard State Partnership Exchange Program***

Section 1205, NDAA, FY 2014, P.L. 113-66, 26 December 2013, authorized National Guard personnel exchanges with military forces, security forces or other government organizations of a country whose primary functions include disaster or emergency response. This authority expires on 30 September 2016. Any allied or friendly country, as determined by the SecDef with SecState concurrence, is eligible for this program. Partner nation expenses for participation may be paid not to exceed \$10 million each fiscal year to include rations, fuel, training ammunition, transportation, and other goods and services to be consumed during the exchange. This does not include pay, allowances or other personnel costs. This program is supported with DoD O&M and appropriated Air and Army National Guard funds.

### ***Non-Reciprocal Exchange of Defense Personnel***

Section 1207, NDAA, FY 2010, P.L.111-84, 28 October 2009, as amended, authorizes DoD to enter into non-reciprocal exchange of personnel. This authority is set to expire on 31 December 2021.

### ***Payment of Foreign Nation Liaison Officer Expenses***

The U.S. payment of certain expenses related Joint Staff foreign liaison officers of a developing country involved in a military operation with the U.S. while that officer is temporarily assigned to a

CCMD, CCMD component, or subordinate operational command is authorized by 10 U.S.C. 1051a. The SecDef may pay for travel, subsistence, mission-related travel, some administrative services, and some medical expenses. Requests for this support are made by the CCMD to the SecDef, in coordination with the SecState and funded with DoD O&M.

### ***U.S. Participation in Headquarters Eurocorps***

Section 1275, NDAA, FY 2013, P.L. 112-239, 2 January 2013, authorized U.S. military participation as staff members of Headquarters Eurocorps. Not more than ten U.S. military members may participate and no U.S. funds are authorized to fund the pay or salaries of other military members who participate as headquarters staff members. DoD O&M funds are used to support this program, to include the U.S. paying a share of headquarters operating expenses and the cost associated with U.S. military personnel participation.

### ***Assignment of DoD Civilian Employees as Advisors to Ministries of Defense (MODA)***

Section 1081, NDAA, FY 2012, P.L. 112-81, 31 December 2011, as amended, authorizes SecDef, with the concurrence of SecState, to assign DoD civilian employees as advisors to ministries of Defense (or security agencies serving in a similar defense function) of other countries with the authority to expire at the end of FY 2017. Any assignment of such personnel after FY 2017 may continue but only with the use of funds available for FYs 2012–2014. The functions of such advisors are to include:

- Provide institutional, ministerial-level advice, and other training to personnel of the ministry to which assigned to support of stabilization or post-conflict activities, or
- Assist such ministry in building core institutional capacity, competencies, and capabilities to manage defense-related processes in support of Defense Institution Building (DIB).

### ***Defense Institution Reform Initiative (DIRI) for DIB***

DIRI is a complement program to MODA supporting DIB. Where MODA is mostly long term, using only USG civilians, and designed for daily interaction with their host nation counterparts; DIRI is short term, has a mix of contractors and USG civilians, and is designed for periodic interaction. Authority for this program expires at the end of FY 2017.

### ***Asia Pacific Regional Initiative Program***

Section 8087, DoD Appropriations Act, FY 2015, Div. C, P.L. 113-235, 16 December 2014, as amended, earmarks the use of up to \$15 million in FY 2016 Navy O&M funding to support the Asia Pacific Regional Initiative (APRI) program for the purpose of enabling the U.S. Pacific Command to execute theater security cooperation activities. This may include humanitarian assistance, payment of incremental and personnel costs of training and exercising with foreign security forces. None of this funding may be used to provide assistance to a country not otherwise eligible by law for such assistance. APRI has been regularly funded each fiscal year.

### ***Center for Complex Operations***

Section 1031, P.L. 110-417, 14 October 2008, NDAA, FY 2009, provided for a new 10 U.S.C. 409 authorizing the establishment of a center for complex operations. The purpose of the center is:

- Effective coordination in the preparation of DoD and other USG personnel for complex operations.
- Foster unity of effort among USG organizations, foreign government personnel international NGOs, and U.S. NGOs during complex operations.

- Conduct research, collect, analyze, and distribute lessons learned and compile best practices.
- Identify gaps in the education and training of USG personnel and facilitate efforts to fill any such gaps.

Prior concurrence from DoS is required before including other countries or international NGOs. Complex operations include stability operations, security operations, transition and reconstruction operations, counterinsurgency operations, and irregular warfare. The center is annually funded using DoD O&M funds.

The Center for Complex Operations (CCO) has been established and located at the National Defense University (NDU) on Fort Leslie McNair in Washington DC since early 2009.

### ***Multinational Military Centers of Excellence***

Section 1232, NDAA, FY 2009, P.L.110-417, 14 October 2008, provided for a new 10 U.S.C. 2350m authorizing DoD, in coordination with DoS, to participate by memorandum of understanding (MOU) in any multilateral military center of excellence (COE) for the following purposes:

- Enhancing other countries' military and civilian personnel to engage in joint exercises or coalition of international military operations.
- Improve interoperability between U.S. forces and other countries' forces.

DoD O&M funds may be used to pay the U.S. share of operating any such center and to pay expenses to attend such centers.

### ***Wales Pact Initiative***

In 1994, the North Atlantic Treaty Organization (NATO) initiated the PfP program for countries seeking cooperative military and peacekeeping relations with NATO. In the U.S. support of PfP, DoD and DoS combined to establish the Warsaw Initiative Fund (WIF). In 2014, WIF was renamed the Wales Initiative Fund. DoS authorizes the use of IMET and FMFP while DoD uses its own Title 10 appropriations, all administered by DSCA, to support WIF. The authorities used by DoD/DSCA and DoS are:

- 10 U.S.C. 168 (TCA) for the military-to-military contact program
- 10 U.S.C. 1051 to provide funding assistance in attending bilateral or regional meetings or seminars
- 10 U.S.C. 2010 Developing Country Combined Exercise Program (DCCEP) to fund participation in combined exercises
- 10 U.S.C. 184 to fund attendance at the Marshall Center
- 22 U.S.C. 2763 (FMFP)
- 22 U.S.C. 2347 (IMET)

SAMM, C11.15, provides DSCA policy guidance in executing the DoD portion of WIF. WIF cannot be the primary source of exercise funding, used to fund course attendance, or fund activities normally defined as military assistance.



## ***State Partnership Program***

National Guard State Partnership Program (SPP) affiliates the National Guard of a U.S. state with the military of a partner nation in a long-term relationship. SPP produces mil-to-mil like events, i.e. visits of subject matter experts between the host nation and home state. In some countries, the SPP produces the vast majority of events with the subject country. Likewise, in many of these same countries, there will be a Bilateral Affairs Officer (BAO) assigned, under the SDO/DATT, from the partnered state National Guard to lead and manage the effort. In such cases where a BAO is assigned, that officer will also manage other mil-to-mil events.

The National Guard's involvement reflects an evolving international affairs strategy using the unique civil-military nature of the National Guard to interact with both civil and defense personnel of foreign countries. The state partners actively participate in a host of engagement activities, e.g., bilateral familiarization and training events, emergency management, environmental remediation exercises, fellowship-style internships, educational exchanges, and civic leader visits. All activities are coordinated through the CCMD and the U.S. Ambassador's country team, and other agencies as appropriate, to ensure that National Guard support is tailored to meet both U.S. and country objectives. Table 1-1 illustrates the partnerships.

**Table 1-1**  
**State Partnership Partners**  
**50 states, 3 territories, and District of Columbia linked to 70 countries**

Alabama / Romania	Montana / Kyrgyzstan
Alaska / Mongolia	Nebraska / Czech Republic
Arizona / Kazakhstan	Nevada / Tonga
Arkansas / Guatemala	New Hampshire / El Salvador
California / Nigeria and Ukraine	New Jersey / Albania
Colorado / Jordan and Slovenia	New Mexico / Costa Rica
Connecticut / Uruguay	New York / South Africa
Delaware / Trinidad-Tobago	North Carolina / Botswana and Moldova
District of Columbia / Jamaica	North Dakota / Ghana / Togo / Benin
Florida / Eastern Caribbean Islands, Guyana, and Venezuela	Ohio / Hungary and Serbia
Georgia / Georgia	Oklahoma / Azerbaijan
Guam / Philippines	Oregon / Bangladesh and Vietnam
Hawaii / Philippines and Indonesia	Pennsylvania / Lithuania
Idaho / Cambodia	Puerto Rico / Honduras and Dominican Republic
Illinois / Poland	Rhode Island / Bahamas
Indiana / Slovakia	South Carolina / Morocco and Colombia
Iowa / Kosovo	South Dakota / Suriname
Kansas / Armenia	Tennessee / Bulgaria
Kentucky / Ecuador / Djibouti	Texas / Czech Republic and Chile
Louisiana / Belize, and Haiti	Utah / Morocco
Maine / Montenegro	Vermont / Macedonia and Senegal
Maryland / Bosnia and Estonia	Virgin Islands / Eastern Caribbean Islands
Massachusetts / Paraguay / Kenya	Virginia / Tajikistan
Michigan / Latvia and Liberia	Washington / Thailand
Minnesota / Croatia	West Virginia / Peru
Mississippi / Bolivia and Uzbekistan	Wisconsin / Nicaragua
Missouri / Panama	Wyoming / Tunisia

All state National Guards have an SPP coordinator who manages the program from the state National Guard headquarters. The web address of the National Guard Bureau, Office of International Affairs (J5-IA), where further details may be located, is included in the list of references at the end of this chapter. Section 1203, NDAA, FY 2016, P.L. 114-92, November 2015, extended the authority for this program till 30 Sep 2021.

Section 1210, NDAA, FY 2010, P.L.111-84, 28 October 2009, authorized the funding of SPP and directed DoD, in consultation with DoS, to provide a directive to regulate the use of DoD funds. It was further directed that such funds are not to be made available for SPP activities in a country unless jointly approved by the applicable CCMD and COM. The National Guard must be on active duty to use these funds. On 19 August 2011, USD (P) provided directive-type memorandum (DTM) 11-010 identifying authorities and funding to be used by the SPP, to include the following activities:

- Reciprocal/non-reciprocal personnel exchanges
- “1206” capacity building [now “2282”]
- Combatant commander initiative fund (CCIF)
- Regional centers for security studies (RCSS)
- Civic action/humanitarian relief
- LATAM/AFRICOM security cooperation
- Joint exercises
- Reimbursable military-civilian interagency activities authorized by 31 U.S.C. 1535

Section 1205, NDAA, FY 2014, P.L.113-66, 26 December 2013, authorizes a National Guard exchange program with partner nation military or security forces whose primary functions include disaster response or emergency response, this program was covered earlier in this chapter. Section 1203, NDAA, FY 2016, P.L. 114-92, November 2015, extended the authority for this program until 30 September 2021.

## **SECURITY FORCE ASSISTANCE, DEFENSE INSTITUTION BUILDING, & SECURITY SECTOR ASSISTANCE**

Resulting from lessons learned from the combat activities and subsequent foreign government reconstitution efforts in Southwest Asia, the Department of the Army (HQDA) and U.S. Special Operations Command (USSOCOM) developed and entitled a new concept of operations—Security Force Assistance (SFA). HQDA FM 3-07.1, *Security Force Assistance*, May 2009, is the first document to define SFA as the unified action to generate, employ, and sustain local, host-nation or regional security forces in support of a legitimate authority. SFA is the supporting military instrument of the larger concept of foreign internal defense (FID). These foreign security forces (FSF) are defined to include military, paramilitary, police, intelligence forces, border police, coast guard, customs officials, prison guards and correctional personnel that provide security for a host nation and its relevant population or support a regional security organization’s mission. SFA is to be provided by both U.S. conventional and special operations forces. SFA is further defined as a subset of DoD security cooperation with security assistance providing resources. FM 3-07.1 also states that (1) the mere provision of defense articles without related training is not SFA, (2) military exchange programs are not SFA, (3) humanitarian assistance and civic action are not SFA, and (4) joint exercises are not SFA. Combined operations must include U.S. forces as advisors, mentors, partners, or augmentees within FSF units to be SFA, and not U.S. units conducting independent operations alongside FSF.

Later DODI 5000.68, *Security Force Assistance*, 27 October 2010, establishes DoD policy for SFA and assigns responsibilities. The directive restates the definition of SFA to be DoD activities that contribute to the unified action by the USG to support the development of the capacity and capability of FSF and their supporting institutions. FSF is defined as those duly constituted military, paramilitary, police, and constabulary forces of a government. It reinforces the FM 3-07.1 statements that SFA is a subset of DoD security cooperation and security assistance provides critical tools to fund and enable SFA activities. The directive expands upon those USG units for carrying out SFA to also include the civilian expeditionary workforce (CEW) alongside general purpose forces (GPF) and special operations forces (SOF). SFA works with other Security Cooperation Initiatives such as DIB and Security Sector Assistance (SSA) to improve United States security and the security of our partner nations while helping the U.S. Department of State and Department of Defense gain greater access to the various security establishment levels of our partner nations.

DIB, as per the 27 January, 2016 DoD Directive 5205.82, is the development and capacity building of partner nation defense institutions in support of U.S. foreign policy and security cooperation goals. According to this directive, DIB attempts to promote principles vital to the establishment of defense institutions that are effective, accountable, transparent, and responsive to national political systems, especially regarding good governance, oversight of security forces, respect for human rights, and the rule of law. One of the key goals of DIB is the establishment or strengthening of democratic governance of defense and security forces. So where SFA is focused on operational and tactical forces in support of legitimate authority, DIB is focused at the Ministry of Defense level in support of legitimate authority.

SSA, as per April 2013 Presidential Policy Directive 23 (PPD 23), is aimed at strengthening the ability of the U.S. to help allies and partner nations build their own security consistent with the principles of good governance and the rule of law. In this respect, SSA works towards helping countries fight along U.S. forces countering terrorist and international criminal networks, participate in international peacekeeping operations, and maintain law and order in their respective countries. The term Security Sector includes military forces, state security forces, law enforcement, justice management, civil society, and institutions responsible for border management, customs, and civil emergencies. Where DIB focuses on the Ministry of Defense level with our partner nations, SSA is a whole of government approach.

SFA, DIB, and SSA are three different approaches to working towards our national security goals and security cooperation end states with our partner nations. These three approaches focus on three different levels of action with our partner nations: operational/tactical (SFA), Ministry of Defense (DIB), and whole of government (SSA). Even though these three approaches focus on three different levels of interaction with our partner nations they all work towards the same national security goals and all three use various (often the same) Security Cooperation and Security Assistance programs previously discussed in this chapter.

## **SUMMARY**

Security assistance has been part of our nation's history ever since the Revolutionary War. Since World War II, security assistance has become an institutionalized and continuing program used to advance U.S. interests in a global environment.

The term security assistance itself is subject to differing interpretations. The SAMM lists twelve programs within security assistance of which seven are administered by DSCA. Within the annual CBJ, there are seven major security assistance programs requiring appropriated funds as well as several others which are discussed in some detail. The relatively recent development and use of the term security cooperation, which incorporates DoD-managed security assistance programs, has become the standard to describe all DoD international activities.

If the past is any predictor of the future, security cooperation is not just a short-range program; rather, it will be in existence for many years to come. In this regard, the words of former Deputy SecDef, William P. Clements, Jr., are as appropriate today as when they were spoken years ago:

Many contend that such a program [as security assistance] has outlived its usefulness and is an anachronism in these days of a trend towards détente. To do so is not only to misread the history of the past twenty-five years but to misinterpret the signs of the times. The record is open to all who care to consult it. That record fully substantiates the conclusion that the world situation in which we currently find new hope for the future would not exist if the people of the United States had earlier refused to concern themselves with the common defense of the Free World. Had we not become involved and, for more than two decades, supported and encouraged the efforts of allied and friendly countries to protect themselves against threats to their territorial integrity and internal security, the complexion of the globe might be dangerously different today, and the international climate far more hostile. [Commander's Digest, July 12, 1973]

The broad definition of security cooperation to include all DoD international programs and those FAA/AECA-authorized programs administered by DSCA has significantly increased the playing field within DoD. Now it reaches far beyond the SecDef to the CCMD, and finally to the in-country SDO/DATT, DAO and SCO. Every community within DoD has a role to play in security cooperation and its use in achieving U.S. foreign policy and national security objectives. The recently developed concept of SFA, DIB, and SSA have helped broaden the reach of both security assistance and security cooperation.

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